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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ANTHONY MICHAEL MARCELLI,)

10 Petitioner,)

11 vs.)

12 GREG COX, *et al.*,)

13 Respondents.)
14 _____/

3:12-cv-00211-LRH-WGC

ORDER

15 Anthony Michael Marcelli, has submitted an amended petition for a writ of habeas corpus,
16 pursuant to 28 U.S.C. § 2254 (ECF #11). The amended habeas petition shall be served upon the
17 respondents.

18 A petition for federal habeas corpus should include all claims for relief of which petitioner is
19 aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking
20 federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is
21 aware of any claim not included in his petition, he should notify the court of that as soon as possible,
22 perhaps by means of a motion to amend his petition to add the claim.

23 Petitioner has also submitted a motion to compel the Justice Court of New River Township to
24 provide him with certain documents (ECF #15). This court lacks jurisdiction to direct that a Nevada
25 state court take any action. Accordingly, this motion is denied.

26 **IT IS THEREFORE ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the
27 amended petition (ECF #11) on the respondents.

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1 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
2 this order within which to answer, or otherwise respond to, the petition. In their answer or other
3 response, respondents shall address any claims presented by petitioner in his petition as well as any
4 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
5 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
6 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
7 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
8 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
9 **five (45) days** from the date of service of the answer to file a reply.

10 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General
11 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration
12 by the court. Petitioner shall include with the original paper submitted for filing a certificate stating the
13 date that a true and correct copy of the document was mailed to the Attorney
14 General. The court may disregard any paper that does not include a certificate of service. After
15 respondents appear in this action, petitioner shall make such service upon the particular deputy attorney
16 general assigned to the case.

17 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents herein
18 shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
19 attachments that are filed further shall be identified by the number or numbers (or letter or letters) of the
20 exhibits in the attachment. The hard copy of any additional state court record exhibits shall be forwarded
21 – for this case – to the staff attorneys in Reno.

22 **IT IS FURTHER ORDERED** that petitioner's motion to compel (ECF #15) is **DENIED**.

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24 DATED this 9th day of October, 2012.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE